

[Rollcall Vote No. 129 Leg.]

YEAS—92

Alexander	Feinstein	Murkowski
Ayotte	Fischer	Murphy
Baldwin	Flake	Murray
Barrasso	Franken	Nelson
Bennet	Gardner	Paul
Blumenthal	Gillibrand	Perdue
Blunt	Graham	Peters
Booker	Grassley	Portman
Boozman	Hatch	Reed
Boxer	Heinrich	Reid
Brown	Heitkamp	Risch
Burr	Heller	Rubio
Cantwell	Hirono	Sanders
Capito	Hoeven	Schatz
Cardin	Isakson	Schumer
Carper	Johnson	Scott
Casey	Kaine	Shaheen
Cassidy	King	Shelby
Coats	Kirk	Stabenow
Collins	Klobuchar	Sullivan
Coons	Lankford	Tester
Corker	Leahy	Thune
Cornyn	Manchin	Tillis
Cotton	Markey	Toomey
Crapo	McCain	Udall
Cruz	McCaskill	Vitter
Daines	McConnell	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wyden
Ernst	Moran	

NAYS—2

Lee Sasse

NOT VOTING—6

Cochran Roberts Sessions
Inhofe Rounds Wicker

The conference report was agreed to.
The PRESIDING OFFICER. The Senator from Arizona.

MORNING BUSINESS

Mr. FLAKE. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VENUE ACT

Mr. FLAKE. Mr. President, I come to the floor to speak in support of legislation I introduced, the Venue Equity and Non-Uniformity Elimination Act, or VENUE Act, that addresses patent venue reform.

Patents are an important part of our economy and are vital to promoting innovation and spurring growth, but the patent system is at risk. There is an ever-increasing problem of patent lawsuits brought by nonpracticing entities, also known as patent trolls. This problem is exacerbated by plaintiffs being able to handpick friendly judicial venues that are otherwise unrelated to the alleged infringement. An article in the Harvard Business Review states that “patent trolls cost defendant firms \$29 billion per year in direct out-of-pocket costs” and “in aggregate, patent litigation destroys over \$60 billion in firm wealth each year.”

It is clear these types of abuses impose substantial costs on the economy and simply cannot be ignored any longer.

Additionally, according to a 2013 White House patent report, the bulk of

patent troll suits target small and investor-driven companies. This is a real threat to innovation.

The VENUE Act addresses this issue and ensures that patent cases are litigated where there is a connection to the patent dispute. Under the VENUE Act, in order for a case to be properly litigated, it must be brought where either, No. 1, the defendant has a principal place of business or, No. 2, the alleged infringing act occurred or, No. 3, where the inventor conducted research and development that led to the patent.

In addition to the provisions relating to proper venue, the VENUE Act provides a more streamlined avenue for those seeking review of erroneous venue determinations. I believe my legislation strikes the right balance for determining when venue is proper, but I also understand that addressing venue is just one piece of the puzzle when we are talking about overall patent reform.

There are a number of ways patent reform can be achieved, and that is why I support the principles of the PATENT Act and believe it goes a long way in combatting this growing problem. The PATENT Act includes much needed reforms, such as fee shifting, heightening pleading standards, and customer stays that would provide relief to retailers, small businesses, and startups that are constantly under assault by these nonpracticing entities.

I commend Chairman GRASSLEY for ushering that legislation out of the Judiciary Committee. However, one piece missing from that comprehensive package is venue reform. Such a reform was included in the House version of the patent bill, and I believe it needs to be added to the Senate bill as well. All one has to do is look at the numbers and the problem surrounding venue becomes clear.

In 2009, 9 percent of all U.S. patent cases were filed in one particular Federal district. By comparison, in 2015, that number increased to just over 44 percent. That is an increase of over 400 percent. Again, the increase went from 9 percent in 2009 to 44 percent in 2015. In addition, of the cases brought in that Federal district in 2015, 95 percent of those cases were brought by nonpracticing entities. Such a distortion in case distribution is problematic, especially when the venue has no real connection to the alleged infringement at issue.

One hope for relief was the Federal circuit case in TC Heartland, but after the court's decision on April 29 declined to impose more stringent venue restrictions in patent cases, it appears judicial relief will have to wait. Therefore, this decision has only made the need for congressional action on venue even more important. I hope it will bring renewed attention to patent venue reform and the VENUE Act in the Senate.

While there are a number of solutions to the overall patent troll problem,

venue reform is of the utmost importance and must be central to any larger reform effort.

I urge my colleagues to support the reforms contained in the VENUE Act, and I yield back.

The PRESIDING OFFICER. The Senator from Iowa.

INVESTIGATION INTO ALLEGATIONS OF FBI-FACILITATED RANSOM PAYMENTS

Mr. GRASSLEY. Mr. President, I rise today to speak about allegations that the FBI has facilitated ransom payments to terrorist groups. Unfortunately, the administration has been stonewalling the Senate Judiciary Committee's investigation into the matter.

We have seen many terrible terrorist attacks recently. The government's highest duty is to provide for national security. That means fighting the radical Islamic terrorist groups that mean us harm.

An important part of fighting radical Islamic terrorist groups is going after their funding. The U.S. Government should do everything it can to stop money from flowing to groups like al Qaeda and ISIS.

The government has had significant successes in fighting terrorist funding. Ransom payments for hostages are one of the key sources of funds for terrorist groups to raise money.

The government should not be participating in helping to make such payments. Yet, in April of last year, the Wall Street Journal reported that the FBI had helped facilitate a \$250,000 ransom payment to al Qaeda.

It was from the family of kidnapped aid worker Warren Weinstein back in 2012. That report was later confirmed by 60 Minutes in an interview with Dr. Weinstein's widow.

Around the same time as that Wall Street Journal article, Army LTC Jason Amerine contacted Judiciary Committee staff. He is a decorated war hero who reached out to Congressman HUNTER, Senator JOHNSON, and to my office, to raise concerns about ineffective hostage-recovery efforts. He alleged that the FBI was involved in a ransom payment made in an effort to recover SGT Bowe Bergdahl.

To be clear, the U.S. Government should take all appropriate measures to recover American hostages.

But those measures cannot include ransom payments that end up funding more terrorist operations.

Ransom payments are big business for terrorist groups. According to a 2014 investigation by the New York Times, Al Qaeda and its affiliates have taken in at least \$125 million from kidnapping for ransom since 2008.

ISIS also takes in huge amounts from ransom payments. The United Nations estimated that ISIS collected between \$35 and \$45 million in ransom payments in 2014 alone.

This is a serious threat to our national security.

In 2012, David S. Cohen, who was the Treasury Department's Under Secretary for Terrorism and Financial Intelligence at the time, explained why in a presentation on the issue.

He said:

Ransom payments lead to future kidnappings, and future kidnappings lead to additional ransom payments.

And it all builds the capacity of terrorist organizations to conduct attacks.

Al Qaeda affiliates use ransom money to help fund the full range of their activities, including recruiting and indoctrinating new members, paying salaries, establishing training camps, acquiring weapons and communications gear and helping to support the next generation of violent extremist groups.

Paying ransoms incentivizes terrorists to kidnap more people, and it funds their terrorist attacks.

The administration says it is still U.S. policy for the government to deny hostage-takers the benefits of ransom. But its policy on helping others make ransom payments is murky.

If the FBI pays lip-service to the no-ransom policy by not making payments itself, but facilitates payments by others, then the financial incentive for terrorists to kidnap people remains the same.

The Judiciary Committee has jurisdiction over the Department of Justice, including the FBI.

The FBI's hostage-recovery efforts, including any facilitated ransom payments, must be subject to constitutional oversight by the committee.

The Justice Department has failed to fully cooperate with the committee's inquiries.

In May of last year I wrote to the Attorney General.

I asked several questions about the FBI's alleged involvement in facilitating payments to terrorist groups.

Among other things, I asked: "Has the FBI been involved in any transfer of money in connection with attempts to secure the release of hostages held by al Qaeda, the Taliban, the Haqqani network, ISIS, or associated forces?"

The Justice Department failed to respond for 5 months.

In the meantime, the President issued Executive Order 13698 and Presidential Policy Directive 30. Those established a new hostage-recovery policy as the result of an interagency review.

Then, 5 months after I sent my questions to the Attorney General, the Justice Department finally sent me a response. That response failed to answer my questions. Instead, the response just summarized the public documents released by the administration when it announced its new hostage-recovery policy.

Merely pointing to publicly available documents is not good faith cooperation with independent fact finding. So I wrote to the White House last fall.

I asked that the administration provide the committee the classified parts of the new hostage-recovery policy, PPD-30, as well as the classified part of the policy it replaced, NSPD-12. But

the administration failed to share those classified parts of the policies with the Committee.

Think about that. The FBI plays a key role in hostage-recovery efforts. The Judiciary Committee is responsible for overseeing the FBI. Yet, the administration refuses to even tell the Committee in full what its written policies say. That kind of stonewalling is unacceptable.

I referred the matter to the Inspector General for the Department of Justice last October. In February, he informed me that his office had opened an initial inquiry. That inquiry is ongoing. My investigation continues as well.

Yesterday I sent another letter to Attorney General Lynch and Director Comey seeking complete answers to my questions and complete copies of the policy documents.

If the public reports are accurate, then there is a very real possibility that the FBI has helped send millions of dollars to al Qaeda and ISIS. That money inevitably was used to help terrorists kill more innocent people.

The Judiciary committee needs all the facts to get to the bottom of this. The FBI should cooperate. The Department of Justice should cooperate. The White House should cooperate.

FBI Director Comey and Attorney General Lynch should fully respond to all the questions in my May 2015 letter.

I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 1, 2015.

Hon. LORETTA LYNCH,
Attorney General, U.S. Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL LYNCH: I am writing in regard to the Federal Bureau of Investigation's policies and practices regarding ransom payments in hostage recovery efforts. On April 29, 2015, the Wall Street Journal, citing unnamed senior U.S. officials, reported that "the Federal Bureau of Investigation helped facilitate a 2012 ransom payment to al Qaeda from the family of kidnapped aid worker Warren Weinstein[.]" The article alleges that, although the FBI claims it did not directly approve or authorize a ransom payment, it nonetheless "vetted a Pakistani middleman used by the family to transport the money and provided other intelligence to enable the exchange." The article also quoted U.S. officials as saying that, "the family was particularly encouraged by the ransom option when the FBI said it was probably the best chance to win Mr. Weinstein's release." Another recent news article reported that the government "is reviewing its policy preventing families of hostages to pay ransom to kidnappers[.]"

In order to evaluate the FBI's policies and procedures related to ransom payments to terrorist organizations as part of hostage recovery efforts, please provide the Committee with answers to the following questions by May 15, 2015:

1. Was the FBI involved in a payment of a ransom in an attempt to recover Dr. Weinstein?

2. Did the FBI vet a Pakistani middleman for the Weinstein family to use in making a

ransom payment to al Qaeda in an attempt to recover Dr. Weinstein?

3. Did the FBI provide other intelligence to enable the ransom payment? If so, what intelligence was provided? To whom was it provided?

4. What other steps, if any, did the FBI take to facilitate the ransom payment?

5. What steps, if any, did the FBI take in preparation for a potential release of Dr. Weinstein following the ransom payment to secure his safe return to the United States?

6. What happened to the ransom money after Dr. Weinstein was not released?

7. What steps, if any, did the FBI take to secure a return of funds to the Weinstein family?

8. Has the FBI been involved in any transfer of money in connection with attempts to secure the release of hostages held by al Qaeda, the Taliban, the Haqqani network, ISIS, or associated forces?

9. What are the FBI's policies and procedures relating to ransom payments, whether by the U.S. Government or third parties, in hostage recovery efforts?

10. What audit procedures, if any, are in place to ensure FBI compliance with these policies, procedures, and all applicable law?

11. Have those audit procedures, if they exist, revealed any violation of FBI policies, procedures, or applicable law? Has the FBI otherwise learned of such violations?

12. If any violations were found, what remedial or punitive actions were taken?

13. What is the status of the FBI's current hostage recovery efforts for those hostages believed to be held by terrorist groups?

14. Is FBI facilitation of ransom payments by the families of hostages being considered as an option in those recovery efforts?

Please number your responses to match their corresponding questions. Please also provide FBI personnel to brief the Judiciary Committee on these issues after you have provided your responses, but in any event no later than May 22, 2015. If you have any questions about this request, please feel free to contact Patrick Davis of my Committee staff. Thank you for your attention to this important matter.

Sincerely,

CHARLES E. GRASSLEY,
Chairman.

Mr. GRASSLEY. There is no excuse for stonewalling oversight, but it is especially inexcusable in a matter as important as this. It is shocking that the only answer the FBI can come up with to these allegations is silence. Burying our heads in the sand does not make the issue go away.

If our government is assisting in paying ransom money to terrorists, Congress needs to know, the public needs to know.

The government officials involved need to be accountable. The facts cannot be hidden from the FBI's oversight committee. The policies implementing our laws on this topic cannot be kept secret from the FBI's oversight committee.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING GERALD R. SHERRATT

Mr. HATCH. Mr. President, today I wish to pay tribute to a remarkable public servant, humanitarian, neighbor, and friend: Gerald R. Sherratt. Jerry was the former mayor of Cedar City and the 13th president of Southern Utah University. He passed away last week, leaving behind an unparalleled legacy that will forever bless his hometown and the great State of Utah.

A man of abundant energy and unwavering enthusiasm, Jerry transformed the town of Cedar City. The fruits of his service can be found throughout the city, including the tremendous growth of Southern Utah University, the building of a new airport terminal, the success of the Utah Shakespeare Festival, the founding of the Utah Summer Games, the inception of the Livestock and Heritage Festival, the organization of the Storybook Cavalcade Parade, and the establishment of the American Children's Festival. These and so many other achievements owe their success to the leadership of Mayor Sherratt. He was truly Cedar City's most enthusiastic cheerleader and one of Southern Utah University's most cherished presidents.

Jerry served as the mayor of Cedar City for two terms, implementing groundbreaking initiatives and infusing a new energy into the city. In recognition of the world-famous Utah Shakespeare Festival, he coined the term Festival City USA to attract visitors to the city. The tourists came in droves. Over the course of his public service, Jerry oversaw the fast growth of Cedar City's neighborhoods and helped lead efforts to improve the city's transportation infrastructure at a time of increased demand. With his trademark smile and charismatic personality, he quickly became a beloved public servant who would give his all to the good of the city and its citizens.

Jerry's academic career stands on its own. He was a graduate of Branch Agricultural College, which later became Southern Utah University. He received a bachelor's degree in elementary education and a master's degree in educational administration before serving in his first leadership position at Utah State University. He would later return to his first alma mater to serve as Southern Utah University's president from 1982 to 1997. While at the helm, SUU saw the largest increase in student population and facilities in its history, setting the pace for many years to come. Perhaps one of Jerry's proudest moments came when he successfully lobbied to turn Southern Utah State College into Southern Utah University. The crowning jewel of Jerry's tenure was the building of the Centrum—a basketball arena and special events center on campus.

Jerry's contributions to the university were memorialized with the naming of Southern Utah University's Gerald R. Sherratt Library. Today the library stands as a constant reminder of

Jerry's selfless service to the university. In the library's main entryway, there is a bust of President Sherratt. As students walk in, they pay tribute to the former president by rubbing the bald head of the statue for good luck.

Jerry was delighted by this gesture. He was a good-natured man who saw the humor in having his bald head rubbed by hundreds of students as they entered the library to study each day. In addition to being a fun-loving and jovial president, Jerry was also a strong leader who was willing to roll up his sleeves and get in the trenches year after year to help his community.

Jerry loved Cedar City. He once expressed his deep emotional attachment to his community in a simple yet profound way: "These roots, they grab hold."

Our State was well served by the deep roots and leadership of this remarkable man. I will deeply miss my good friend Jerry Sherratt and the kindness and support he always extended to me throughout my service. He made an indelible impression on me and on all those who were blessed to know him. Jerry personified everything that is good about our State and its people.

TRIBUTE TO DR. HAROLD E. SHUFFLEBARGER

Mr. MCCONNELL. Mr. President, I wish to pay tribute to my constituent, Dr. Harold E. Shufflebarger, for his exemplary dedication to duty and service to the U.S. Navy and to the United States of America. He has spent his life serving his Nation and his community, and I would like to recognize him today.

Harold Shufflebarger was born and raised in Grayson, KY. At the age of 20, he became a Navy corpsman, serving from 1943-1945 as part of the 4th Division, 24th Marines. Dr. Shufflebarger's combat record in World War II was exemplary; in the short space of one year, he participated in four major amphibious assaults, during which his unit won two Presidential citations. In February 1944, he conducted an assault landing onto Roi-Namur Island in the northern part of the Kwajalein atoll of the Marshall Islands. From June to August 1944, Dr. Shufflebarger assaulted onto the Saipan and Tinian Islands of the Northern Mariana Islands. Harold's heroic actions culminated in the historic amphibious assault onto the island of Iwo Jima in February of 1945.

After valiantly serving his country, Dr. Shufflebarger returned home to Grayson, KY, and became a family practitioner. For over 50 years, he served as a physician in northeastern Kentucky, a region without many medical providers.

Dr. Shufflebarger has served his community throughout his life. He founded a regional radio station that won four National Association of Broadcasters Crystal Radio Awards for community service, and he served as mayor of

Grayson. Dr. Shufflebarger is a great example of the Greatest Generation putting country and community before self.

On behalf of a grateful Commonwealth and a grateful nation, I join my colleagues today in recognizing and commending Dr. Harold E. Shufflebarger for over seven decades of service to his country and to his community. We keep Dr. Shufflebarger's health in our thoughts and prayers, and we wish him; his wife, Hazel; his daughter, Alicia; his son, Eric; and his four grandchildren the best.

TRIBUTE TO EDWARD AND MAXINE HANDZIAK

Mr. MCCONNELL. Mr. President, I wish to pay tribute to a uniquely Kentuckian love story. It is a story that began in the tumult of World War II and still continues to this day, more than 70 years later. I speak of the loving relationship and marriage of Edward and Maxine Handziak, of Winchester, KY.

In 1943, America faced the Axis Powers in World War II. Many Americans bravely wore their country's uniform in the fight for freedom and democracy. Two of those Americans were native Kentuckian Maxine Hamon and her suitor Edward Handziak.

Edward was in the U.S. military and stationed in Stillwater, OK. Maxine, who had volunteered for the Women's Reserve in the U.S. Navy, was also stationed there. The two met in a chance encounter at a roller skating rink.

Edward was smitten with the young Kentuckian, and when he was sent abroad to serve in Europe he did not forget her. He wrote her letters faithfully. Even when shrapnel injured his writing hand, he wrote her with his left hand. He knew, when he returned to America, that he wanted to marry her.

As soon as the war was over, Edward came home and proposed. And it turns out that, when he fell in love with Maxine, he fell in love with her hometown of Winchester as well and longed to return. A job with Gulf Oil delayed those plans, with his career sending him all over the country. The Handziaks finally settled down in Winchester in 1985.

Today the couple has been happily married for more than 70 years, and they have three children, three grandchildren, and four great-grandchildren. Maxine's granddaughter still has her grandmother's roller skates from that fateful day when she met Edward.

I am honored to represent the Handziaks here in the U.S. Senate and want to wish them every happiness and thank them for their service. I am sure my colleagues join me in expressing gratitude for their service as well. They truly represent the finest of Kentucky.

Mr. President, an area publication, the Winchester Sun, published a compelling article on Edward and Maxine's love story. I ask unanimous consent